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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,242	06/07/2001	Andreas Wenzel	GR 98 P 5873 P	4980

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EXAMINER

KNOLL, CLIFFORD H

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 03/24/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,242

Applicant(s)

WENZEL, ANDREAS

S

Examiner

Clifford H Knoll

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Rejections under 35 USC 112 have been withdrawn in response to amended claims.

Claim Rejections - 35 USC § 102

Claims 1-3, and 7-12 stand rejected under 35 U.S.C. 102(e) as being anticipated by Munguia.

Regarding claims 1 and 7, Munguia discloses a multimaster bus system and its method comprising a bus, a plurality of units and a default master (Figure 1), the default-master stipulation being based on criteria selected from the group consisting of when, how often, and how long the units are used on the bus (col.2, lines 38-44).

Regarding claims 2 and 9, Munguia discloses a multimaster bus system and its method comprising a bus, a plurality of units and a default master (Figure 1), and the one unit that has used the bus last being stipulated as the default master in the dynamically modifiable default-master stipulation (col.1, lines 46-52).

Regarding claim 3, Munguia discloses a multimaster bus system comprising a bus, a plurality of units and a default master (Figure 1), the one unit that needed the bus more frequently than any others of the plurality of the units in a preceding predetermined time period being stipulated as the default master (col.2, lines 38-44).

Regarding claims 8 and 10, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Regarding claim 11, Munguia discloses a multimaster bus method comprising providing a bus, a plurality of units and a default master (Figure 1), selecting a default master and in the stipulation selecting the unit that needed the bus more frequently than any others of the plurality of units in a preceding time period (col.4, lines 35-37).

Regarding claim 12, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Claim Rejections - 35 USC § 103

Claims 4-6 and 13-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Munguia in view of Jeddelloh.

Regarding claims 4 and 13, Munguia discloses a multimaster bus system and method comprising a bus, a plurality of units and a default master (Figure 1), the default master selected from the group consisting of particular units with weighting based on performance criteria (col.4, lines 54-58). While Munguia does not expressly disclose the need to access the bus frequently or rapidly, these limitations are disclosed by Jeddelloh. Jeddelloh discloses weighting criteria that include a particular unit that is expected to need to access the bus frequently, and a particular unit that is expected to need to access the bus rapidly (col.4, lines 24-30).

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It would have been obvious, at the time of the invention was made, for one of ordinary skill in the art to have combined Jeddelloh with Munguia, because Munguia expressly does not limit the performance criteria to which his weighting is directed (col.4, lines 54-58), while Jeddelloh points out the particular performance criteria that may be used when weighting.

Regarding claim 5, Munguia also discloses a program controlled unit that needs bus access, and the default master stipulation being based on an analysis selected from the group consisting of an analysis of an actual program cycle of the program controlled unit and an analysis of an expected program cycle of the program controlled unit (col.5, lines 6-11).

Regarding claims 6 and 14, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Regarding claim 15, Munguia also discloses selecting the default master based on an analysis selected from the group consisting of an analysis of an actual program cycle and an analysis of an expected program cycle in the program-controlled unit (col.5, lines 6-11).

Regarding claim 16, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Therefore Munguia in view of Jeddelloh discloses the claimed invention.

Response to Arguments

Applicant's arguments filed with amended claims on January 9, 2004 have been fully considered but they are not persuasive. Applicant notes that Jeddeloh, while properly referenced on the Notice of References Cited, is referenced by an erroneous patent number in the text of the Office Action (p. 12); this is duly noted.

Applicant argues that "the instant application selects the default master based on criteria that are based upon the actual use or access to the bus, not merely the requests to access the bus" (p. 13); however, in interpreting the plain meaning of "access", introduced into amended claims, Examiner asserts that a PCI request is inevitably a form of bus use and hence a form of access, therefore the "request" of Munguia anticipates the "access" of the invention. Even granted the restricted sense of the word argued by the Applicant, Examiner still finds Munguia to anticipate, in particular, and in addition to citations supra, Applicant is directed to Figure 4 which supports the disclosure of Munguia. Here, note the assertion of "GNTA" indicates an access of the bus in the restricted sense; for each grant, the bus is "accessed" in the sense argued by Applicant. Subsequently, as taught in Munguia, the default-master stipulation results in a default master of component A in this particular example (Figure 4; col. 7, lines 8-11). It must be noted however that, even anticipated by Munguia, this restricted sense does not find support in the claim recitation.

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Applicant argues that amended use "accesses" in remaining independent claims distinguishes the present invention (p. 14); however, for the reasons stated supra, Munguia in fact anticipates the invention as recited.

Applicant argues that the Jeddelloh device "do[es] not function as a default master" (p. 15); this is correct, however, Jeddelloh is not relied on to teach this. Rather, Jeddelloh is used as a teaching reference in combination with Munguia to reject claims 4-6, and 13-16, as maintained above. Munguia is relied on to teach the default master using broad performance criteria, while Jeddelloh teaches a particular performance criteria. The combination and its motivation are detailed in the Office Action maintained above.

Applicant argues that the references, alone or in any combination, fail to show or suggest the features of the present invention; however, as argued above, these features are indeed shown. Moreover, the combination maintained above for claims 4-6 and 13-16 is deemed proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

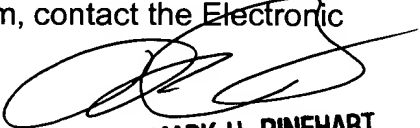
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H Knoll whose telephone number is 703-305-8656. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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